

Notice of Allowability

Application No.

10/658,566

Examiner

Tramar Harper

Applicant(s)

GAUSELMANN, MICHAEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/18/07.
2. ☒ The allowed claim(s) is/are 1-7, 13, 22, 23, 25 and 26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species:

Species 1: Claims 1-7, 13, 22-23, & 25-26 directed to figures 8-10.

Species 2: Claims 8-11 directed to figures 5-7.

Species 3: Claims 12 & 14-17 directed to figures 11-13.

Species 4: Claims 18-20 directed to figures 14-19.

The species are independent or distinct because:

Inventions of Species 1-4 are directed to related method/apparatus of a gaming machine that comprises of an array of symbols (rows and columns) of a base game, wherein a triggering event of the base game enables a bonus feature. The bonus feature comprises converting the array of symbols to an array of award values viewable by the player, wherein the computer randomly selects at least one of the values, but not all of the values and awards the player the at least one selected value. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed are directed to different types or embodiments of bonus features. Species 1 is directed to a bonus feature that consists of a triggering event that comprises of detecting one or more special symbols amongst the array of symbols that

are thereafter converted to award values, wherein the column of values associated with the one of more special symbols changes, wherein the gaming device randomly selects/awards the player the bonus value in the position of the one or more special symbols as the values of the respective column(s) have stopped. Species 2 is directed to a bonus feature that consists of a triggering event that comprises of detecting one or more special symbols amongst the array of symbols that are thereafter converted to award values, wherein a player identifies a special symbol of the base game and the special symbol randomly selects/identifies an award value for the player to receive. Species 3 is directed to a bonus features that consists of a triggering event that comprises of detecting one or more special symbols amongst the array of symbols that are thereafter converted to award values, displaying icons representing hidden multipliers, allowing to select a hidden multiplier, randomly selecting an award value, and then awarding the player the award value multiplied by the multiplier. Species 4 is directed to a bonus feature that consists of a triggering event that comprises of detecting one or more special symbols amongst the array of symbols that are thereafter converted to award values. The gaming device displays a plurality of award values, multipliers, and pointers, wherein randomly selected pointers randomly point to/select various award values and/or multipliers and a player accumulates or loses awards based on the randomly selected pointers. Each species is clearly designated to a separate bonus feature embodiment requiring at least a different mode, function, and/or design. Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

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Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there are no generic claims.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Brian D. Ogonowsky on 08/27/07 a provisional election was made without traverse to prosecute the invention of Species 1, Claims 1-7, 13, 22-23, & 25-26. Affirmation of this election must be made by applicant in replying to this Office action. Claims 8-12 & 14-20 are withdrawn from further

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consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian D. Ogonowsky on 8/28/07.

In the Claims:

Cancel Claims 8-12 & 14-20.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tramar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert Pezzuto
Supervisory Patent Examiner
Art Unit 3714

TH

8/30/07